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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.      |
|--|-------------|----------------------|---------------------|-----------------------|
| 10/790,527   | 03/01/2004  | Gus Alexander        | 226256              | 2771                  |
| 23460  | 7590        | 11/27/2009           | EXAMINER            |                       |
| LEYDIG VOIT & MAYER, LTD<br>TWO PRUDENTIAL PLAZA, SUITE 4900<br>180 NORTH STETSON AVENUE<br>CHICAGO, IL 60601-6731 |             |                      |                     | RIGGLEMAN, JASON PAUL |
| ART UNIT   |             | PAPER NUMBER         |                     |                       |
| 1792   |             |                      |                     |                       |
|  |             |                      | NOTIFICATION DATE   | DELIVERY MODE         |
|  |             |                      | 11/27/2009          | ELECTRONIC            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com  
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|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/790,527             | ALEXANDER ET AL.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | JASON P. RIGGLEMAN     | 1792                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 July 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 and 32-39 is/are pending in the application.  
 4a) Of the above claim(s) 32-33 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 and 13-17 is/are rejected.  
 7) Claim(s) 12 and 34-39 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 June 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Status of Claims***

1. Applicant's reply, filed 7/6/2009, has been received. Current pending claims are 1-17 and 32-39. Claims 2 and 17 are amended. Claims 18-31 are cancelled. Claims 32-39 are new.

***Response to Arguments***

2. Applicant's arguments filed 7/6/2009 have been fully considered. Applicant's arguments with respect to claims 1 and 3-19 have been considered but are moot in view of the new ground(s) of rejection (necessitated by amendment). The applicant argues that Martin does not teach a diagnostic circuit for detecting a voltage drop over the power cord to determine an operation condition and an indication panel having an indicator light for indicating the operation condition. Examiner states that the Martin reference teaches voltage monitor means to measure electrical line voltage to and throughout the pressure washer apparatus (Column 4, Lines 48-51). The applicant's arguments regarding the measurements being "within the apparatus" are not understood. The applicant argues that Martin does not teach measuring the voltage drop across the power cord; however, Martin reference teaches voltage monitor means to measure electrical line voltage to and throughout the pressure washer apparatus (Column 4, Lines 48-51)—which includes the cord. The applicant appears to be arguing with the presumption that a negative limitation is present in the claim (only voltage is measured across the power cord); however, this is not the case. Further, Examiner, points to the Martin reference which teaches that the voltage is measured prior to connecting to the pressure washer (Column 6, Lines 50-65); therefore, the drop "across the cord" is taught. The applicant also argues that Martin does not teach an indicator light. The gauges (35B, 70) appear to be lights; however, if they are not then it would be an

obvious modification hence the rejection is maintained as a 102/103 type rejection, Fig.1. The drawing objections are withdrawn in view of the amended specification and replacement drawings. The 112, second paragraph, rejection of claims 2, 17, and 22 are withdrawn in view of the amended/cancelled claims.

***Election/Restrictions***

3. Applicant's election with traverse of Group I, claims 1-17 and 34-39, in the reply filed on 7/6/2009 is acknowledged. The traversal is on the ground(s) that the examination of Group II would not present a serious burden to the examiner. This is not found persuasive because In accordance with MPEP §803: "For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant." In the instant case, the Examiner has provided a *prima facie* showing of separate classification and different field of search as shown in the Restriction Requirement. Applicant's allegations of coextensive search and no "serious burden" include no appropriate showings or evidence and, therefore, are not persuasive. Accordingly, the restriction is considered proper in accordance with MPEP §803.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 32-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/6/2009. Accordingly, claims 1-17 and 34-39 are elected for examination.

***Claim Objections***

5. Claims 34-39 are objected to because of the following informalities: the claims 34-39 are dependent on claims 32-33 which are non-elected claims which are withdrawn from examination. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Martin (US Patent No. 4697464) or , in the alternative, under 35 U.S.C. 103(a) as obvious over Martin (US Patent No. 4697464).

8. Martin teaches a pressure washer which is connected to a portable diagnostic systems analyzer, Fig. 5. A water line 35 supplies water to an AC powered motor that pressurizes the water. An application wand 60 is connected to the water outlet and has a nozzle 62 for outputting a pressurized water stream. A power cord 34 has a plug at a distal end for connecting AC power to the electrical motor. A diagnostic circuit is taught, block 55A, for detecting a voltage drop over a power cord, indicated by analog gauges 34C-34D, Fig. 1. A voltage monitor is present to measure electrical line voltage through and throughout, the pressure water apparatus (Column 4, Lines 47-50). A pressure sensing means is present to measure the water pressure at the exiting nozzle. A soap line is present for supplying detergent. A sensor 35B measures the water input flow and is capable of determining if adequate water is supplied to the power washer.

The gauges in the test panel may be any conventional analog or digital gauges (Column 8, Lines 45-50). *The diagnostic circuit detects an operational condition of the electric motor since it measures voltage and electric current draw -- which are related to the operation condition of the motor (see abstract).* The operation condition is illustrated in Fig. 5 by the various configurations of the gauges that display the operation parameters – including any voltage drop in the power cord (Column 6, Lines 15-26). A gauge 35D measures the water temperature being supplied to the electrical motor. A flow meter 70 is shown for measuring the flow of chemical or soap solution being added to the container from the chemical source supply (Column 7, Lines 52-68). An ohm-volt meter means is available for measuring the continuity or voltage at different points in the system. The power cord enters the test panel and is connected to various gauges and meters in the panel which measure the voltage and current draw (Column 6, Lines 55-59).

9. In the alternative, Martin does not teach an indicator light; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art to use a gauge of the type which illuminates the operation condition such that it can be easily seen by the operator to achieve the expected result.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent No. 4697464), as applied to claim 1, above.

12. Martin does not teach a power cord with four wires – two of which are dedicated to tracking voltage changes; however, Martin does teach the use of an ohm-volt meter for spot-checking. Such a device would contain a sending and receiving wire. A spot check could be performed at any location including the plug end of the cord. It has been held that making elements integral would have been obvious (*Nerwin v. Erlichman* 168 USPQ 177). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by integrating the ohm-volt meter into the power line as to check the voltage loss in long, lossy, extension cords to prevent motor damage in a portable manner.

13. Claims 7 and 10-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent No. 4697464) as applied to claims 1, 8, and 18 above, and further in view of Dalquist, III et al. (US Patent No. 5040950).

14. Martin does not teach a power cord having a ground fault circuit interrupter; however, Dalquist, III et al. teaches a power washing apparatus a power cord 38 having a plug at a distal end for connecting AC power to the motor 12, Fig. 1, having a ground fault indicator 38 and reset circuit 42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin with Dalquist, III et al. to monitor the electrical power before and after the in-line ground fault circuit interrupter; therefore, allowing complete diagnosis and analysis of any power failures.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent No. 4697464) as applied to claims 1 and 18-21 above, and further in view of Laabs et al. (US Patent No. 5749526).

16. Martin does not teach an operation condition whereby a thermal protection circuit of the electrical motor is open for protecting the electrical motor; however, Laabs et al. teaches a power washer with a high temperature shut-down switch 34 which shuts down the motor 25 if the temperature exceeds a pre-determined amount. The switch 34 energizes a red indicator light when it shuts off the motor 25 (Column 4, Lines 0-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin with Laabs et al. to create a power-washing device with a means to indicate that the motor is protected from overheating damage or has been shut-down due to being overheated.

17. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent No. 4697464), as applied to claim 1 above, and further in view of Weber (US Patent No. 5757162) and Teague (US Patent No. 5381962).

18. Martin does not teach the use a LED for indicating purposes; however, Teague teaches the use of a plurality of LEDs, Fig. 7, 125, 127, 129, and 131 for indicating the actuation/deactuation of switches/modes of operation (Column 7, Lines 61-70). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin with Teague to create a pressure washer with an inexpensive and modern LED diagnostic display.

19. Martin does not teach bypass-transistors, operational amplifiers, nor backup-capacitors; however, the use bypass-transistors wired in parallel to light-emitting diodes, capacitors for storing and supplying a DC power, and operational amplifiers are all well known to those of ordinary skill in the art. It is obvious to wire LEDs in series and to wire transistors in parallel or series with such LEDs. Weber teaches the use of these components, capacitor 156 wired in series, LED 202-2, optocoupler 200-2, resistor 176-2, operational amplifier (comparator) 170

serves as a power level detector, to monitor the fluctuations of AC power supplied to a power tool – especially in the context of using a long, lossy, extension cord of 75 feet or more in length.

Note: AC power fluctuation is commonly used in cleaning systems as an indicator of low-pressure or sucking of air by the motor. Weber teaches that operating a motor with a low voltage is detrimental to the motor life (Column 1, Lines 34-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin and Teague to provide a means to wire the LED indicator with the pressure washer and to allow it to operate in the event of a power failure when diagnosing pressure washer problems.

### ***Conclusion***

#### ***Allowable Subject Matter***

20. Claims 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 34-39 would be allowed if claim 34 was made independent to incorporate all the limitations of base claim 32 and any intervening claims.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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